THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.20780 of 2005

29.9.2005

Between:

Mamuduru Penchalaswamy, S/o.late Narasimhulu, Agriculture,

Gundavolu (v), Rapur Mandal, Nellore District.

… Petitioner

AND

1. The District Collector, Nellore District.

And another

… Respondents

-

ORDER:

The petitioner's land admeasuring Acs.3.41 in Survey No.469/A in Gundavole village of Rapur Mandal in Nellore District was acquired for Telugu Ganga Project, under award No.6/97-98 dated 27.9.1997 passed by the second respondent. The Government of Andhra Pradesh in their orders in G.O.Ms.No.45, dated 15.3.2005 so as to bring finality to all the Land Acquisition cases pending in the Courts issued orders as under:

> Accordingly, Government after careful consideration in the matter, hereby empower the District Level Negotiation Committee constituted under G.O.Ms.No.1050 Revenue (Land Acquisition) Department, dated 17.10.1992 to entertain petition or initiate action suo-motto for negotiations with land owners. Once negotiations is reached a joint affidavit by Land Acquisition Officer and the land owners concerned can be filed before the Court concerned with a request to pass a consent decree-award. Once consent affidavit is accepted by Court and a consent award-decree is issued by Court the Land Acquisition Officer will take further action for implementation of such consent award/decree without any further loss of time.

The petitioner approached the Chairman of District Level Negotiations Committee and submitted an application on 05.8.2005 in accordance with G.O. Alleging that the said application remains unattended to, the present writ petition is filed for a direction to the first respondent to act on the representation.

As noticed above, the application has to make to the Negotiations Committee and after holding negotiations, if the Negotiations Committee and land owner reach a conclusion, a joint application has to be submitted to the Court where the case is

pending, for passing consent/award. Though the learned Assistant Government Pleader, on instructions, submits that the petitioner did not approach the Negotiations Committee but, approached the Civil Court and filed an application directly. The said submission stands belied by reference to the copy of the application dated 05.8.2005 made by the petitioner to the District Collector, who is the Chairman of the District Level Negotiations Committee. Therefore, the petitioner may approach the District Collector, for appropriate redressal. As and when the petitioner approaches, his application may be considered by the Negotiations Committee by taking appropriate decision in accordance with G.O.Ms.No.45, dated 15.3.2005, within a period of three months, from the date of receipt of a copy of this order.

The writ petition is, accordingly, disposed of. No costs.

_____

September 29, 2005 (**V.V.S.RAO,J**)

NOTE:

Issue order copy in

One week.

(B/o)

YS